IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36555 of 2007(B)

AGAINST THE ORDER DATED 17/11/1999 IN IA 2464/99 IN OS.569/1994 of I ADDL.SUB COURT,ERNAKULAM

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PETITIONERS:

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1. **T.H.MUHAMMED IQBAL, AGED 49 YEARS, S/O. HAJI T.K.HAMZA, THAMARASSERY BUILDINGS, MULLASSERY CANAL ROAD, COCHIN-11.**

2. **T.H.HASIF IQBAL, AGED 25 YEARS, S/O. T.H.MUHAMMED IQBAL, THAMARASSERY BUILDINGS, MULLASSERY CANAL ROAD, COCHIN-11.**

BY ADV. SRI.P.V.MADHAVAN NAMBIAR

RESPONDENTS:

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1. **C.A.KAREEM, S/O. ABOOBACKER, CHERADI P.O., ERIYAD, KODUNGALLUR.**

2. **AMMEN, S/O. SHERY SHUDDINKAZHI, ROOM NO.16, ADANE MINISTRY LANE, HAJEE NOOR MOHAMMED BUILDING, PAREL, MUMBAI-12.**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 36555 OF 2007

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Dated this the 11th day of December, 2007.

J U D G M E N T

This writ petition is filed seeking to quash Exts.P2, P4, P6 and P8 orders. Ext.P2 is an order passed as early as on 17th November, 1999. Ext.P4 is also dated 17.11.99. Ext.P6 is dated 17.11.99. Ext.P8 also on the same date. There was challenges against these orders in the form of CRP except one and this Court by its order in CRP 205/00 found that a civil revision petition is not maintainable and therefore dismissed it. The Court also observed that,

> "However, it is made clear that the revision petitioner would be entitled to challenge in appeal the correctness or otherwise of the orders impugned in these Revisions, to the extent it is possible under Section 105 of the Code of Civil Procedure, in case an appeal at the instance of the first defendant becomes necessary. No order as to costs."

2. So, the revisional Court made it clear what is the remedy available for the party. Now, when the C.R.P. is dismissed an application under Article 227 is filed to invoke the supervisory jurisdiction of this Court to again consider about the validity of Exts.P2, P4, P6 and P8 orders. I am afraid that it cannot be done and it is further to held that even going by the dictum laid down by Surya Dev Rai's case (***Surya Dev Rai v. Ram Chander Rai (2003 (6) SCC 675)*** it may not come within the parameters of nine clauses mentioned in that judgment and therefore this writ petition cannot be entertained. It has to be borne in mind that the revisional jurisdiction was taken away in order to avoid the cases being litigated at every interlocutory stage to a three tire litigation. It cannot be entertained in the form of writ petition and therefore I do not find any merit in this writ petition and hence it is dismissed.

M.N. KRISHNAN, JUDGE.

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